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11 Attorneys for Defendant
12 PODFITNESS, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 APPLE, INC.,

17 Civil Action No. 4:06-cv-05805 SBA

18 Plaintiff,

19 v.

20 PODFITNESS, INC., and DOES 1-100,
21 inclusive

**DECLARATION OF JEFF HAYS IN
SUPPORT OF PODFITNESS' MOTION
TO STAY PROCEEDINGS FOR THIRTY
DAYS PENDING ENGAGEMENT
OF SUBSTITUTE COUNSEL**

22 Defendants.

23 Judge: Hon. Saundra B. Armstrong

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26 I, Jeff Hays, have personal knowledge of the facts stated below and, under penalty of perjury,
27 hereby declare as follows:

28 1. I am competent to testify about the following statements from my own personal knowledge.

DECLARATION OF JEFF HAYS

1 2. I am the current President of Podfitness, Inc.

2 3. On Monday, October 15, 2007, Steven R. Hutchinson, Podfitness Vice President of Business

3 and Legal Affairs and in-house counsel for Podfitness, Inc., notified me that he was resigning,

4 with his resignation to be effective immediately.

5 4. At the time of his departure on Monday, October 15, 2007, Steven R. Hutchinson had not

6 found and/or engaged substitute legal counsel to represent Podfitness, Inc.

7 5. As a result of his abrupt departure, I have undertaken the task of locating and engaging

8 substitute legal counsel.

9 6. Unfortunately, since the location and engagement of substitute legal counsel was solely Mr.

10 Hutchinson's responsibility, I have had to start the search for legal counsel from square one.

11 7. I anticipate that educating substitute counsel, once found and retained, will take longer without

12 Mr. Hutchinson available to facilitate the transition.

13 8. Since Mr. Hutchinson's departure I have been searching for substitute outside counsel

14 9. As of the date of this declaration I have not yet been unable to locate and engage replacement

15 legal counsel.

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17 DATED this 22nd day of October 2007.



20 Jeff Hays
21 President, Podfitness, Inc.

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